

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 9014 Tommy C. Ishee et ux, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on December 14, 1966.

EFFECTIVE DATE OF ORDER -- Feb. 17, 1967

ORDERED:

That the appeal for a variance from the minimum lot area requirements of the R-4 District to permit erection of 3 two-family flats at 149 D Street, SE., lots 848 and 849, square 734, be granted conditionally.

FINDINGS OF FACT:

(1) In Appeal No. 8842, the Board granted a variance to permit erection of three single family row dwellings on the subject property. The Board's Order became effective on August 12, 1966.

(2) In this appeal the Board denied the requested variance with Mr. Hatton and Mr. McIntosh dissenting. This action was taken on November 29, 1966 after public hearing held On November 16, 1966.

(3) An appearance was made at the December 14, 1966 hearing to request the Board to reconsider its action of November 29, 1966, even though a final Order had not been entered. The Board took the matter under advisement.

(4) The facts with reference to the size of the dwellings and the dimensions of the subject property remain as stated in Appeal No. 8842. The Board incorporates in this Order so much of its Order effective August 12, 1966 as pertains to the lot dimensions.

(5) Appellant states that at the time of the last appeal, exact architectural plans had not been drawn.

(6) After the plans were drawn, it became apparent that it would be economically unfeasible to building single-family of the type contemplated and desirable for the neighborhood.

(7) One off-street parking space for each house will be provided on the subject site.

(8) Two-family flats are in conformity with existing uses in the neighborhood, 151 D Street being a two-family flat, 144 D Street being a two-family flat, and the property adjoining 149 D Street being a 16-unit apartment building. In addition, there are three (3) other large apartment building and other two-family flats in the 100 block of D Street, SE.

(9) Under existing zoning the original house on the property could have been converted into at least five (5) apartments, and such use would have been less desirable than the proposed use and less compatible with the surrounding area. Further, if three (3) single-family houses had existed on the site, they could each be converted to two-family flats as a matter of right.

(10) The Capitol Hill Restoration Society supports the granting of this appeal.

(11) No opposition to the granting of this appeal was registered at the public hearing. However, the record contains three (3) letters from residents of the neighborhood in opposition.

OPINION:

We are of the opinion, after reconsideration, that appellant has proved a hardship within the meaning of the Zoning Regulations and that the granting of this appeal will not adversely affect the use of neighboring property nor impair the intent, purpose and integrity of the zone plan.

We refer to our previous opinion commenting on the variance for the size of the lots. Flats are permitted as a matter of right in the R-4 District. No substantial detriment to the neighborhood would appear to result from using these proposed structures as flats instead of single-family dwellings. Although the granting of this appeal will increase the occupancy of the structures, the structures will conform to the character of the surrounding area in architectural style and use.

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This Order is subject to this establishment of a covenant to insure access to parking on the rear of all the new lots.

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The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following amendment to the Order in this Appeal was entered by the Board at its meeting on March 28, 1967.

EFFECTIVE DATE OF AMENDMENT - March 28, 1967

ORDERED:

That the Order of February 17, 1967 conditionally granting the appeal for a variance from the minimum lot area requirements of the R-4 District to permit erection of 3 two-story flats at 149 D Street, SE., lots 848 and 849, square 734, be amended as follows:

That portion of the Board's Order relating to the dimensions of the lots will conform to Subdivision recorded February 28, 1967 and in Book 151, page 128, at the Office of the Surveyor of the District of Columbia.

Lot 74 shall have a frontage of 18.72 feet on D Street, SE. and contain 1,768.45 square feet; lot 75 shall have a frontage of 18.73 feet on D St. and contain an area of 1,731.08 square feet; and lot 76 shall have a frontage of 18.72 feet and contain an area of 1,643.33 square feet.

The Subdivision is in the file of this case as BZA Exhibit No. 169a.